

ADMINISTRATIVE POLICY
Fauquier County, Virginia

Policy Title: RESPONDING TO REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT **Effective Date: May 1, 2004**
Supersedes Policy: N/A

Policy Number: Administrative Policy-03

I. PURPOSE

The purpose of this policy is to set forth a uniform procedure for processing and responding to requests for documents made under the Freedom of Information Act.

II. SCOPE

This policy applies only to the production of existing documents subject to disclosure under the terms of the Freedom of Information Act. Neither this policy nor the Act requires that a department create a new document to provide requested information or answer questions which are not contained in a presently existing document.

III. PROCEDURES

- A. **TIMELINESS OF RESPONSE:** Unless otherwise agreed by all parties, all responses shall be made within the time required by the Virginia Freedom of Information Act. Where the requestor and the department agree to a response time not in conformance with that required by the Code of Virginia, such agreement shall be in writing.
- B. **FORM OF RESPONSES:** All responses shall be made in paper media unless CD-ROM or e-mail media is requested. Where an electronic media is requested, the standard electronic format of the department shall be used. While a department head may agree to provide electronic copies in a different format than the standard format for the department, the provision of the documents in the requested non-standard format is not required and may only be provided when the department determines that the department's ability to complete its local government tasks in a timely and cost effective manner will not be impaired by accommodating the request for the non-standard format, and the requestor agrees to pay the actual costs for the conversion of the documents to the non-standard format.
- C. **COST:** No department shall charge any salary cost for requests which are processed in less than 15 minutes in time, provided, however, the cost of CD-ROM, tape, or diskette shall be charged. All requests which take 15 minutes or longer shall be charged the following costs:
 - 1. The salary of the individual processing the request. Salary shall not include fringe benefits. In cases where the individual is required to

work overtime in order to process the request, the salary shall include the cost of the overtime necessary to process the request; and

2. A charge of \$0.10 (ten cents) per page for paper copies or \$1.00 per CD-ROM, diskette, or tape, if requested in those mediums.

- D. **PAYMENT:** Full payment of all costs shall be required prior to release of requested documents. Where the estimated cost for the production of copies exceeds \$200.00, the department shall require a deposit for the full amount of the estimate prior to fulfilling the request. Any unused portion of the estimate shall be returned to the requestor.

Except where the documents are to be produced without cost under Paragraph C. above, no requested documents shall be released to the requestor until any unpaid balance on previous requests has been paid. The Department of Information Technology shall create and maintain a list of persons having unpaid FOIA request charges which shall be maintained on the Intranet and shall be available to all departments. Each department shall notify the Department of Information Technology when a requestor has not paid for a request or when a requestor has paid off a past-due balance owed to the County.

- E. **LEGAL ISSUES:** Any department having questions about the application of the Freedom of Information Act to a request for documents shall contact the County Attorney's Office which shall render such guidance as is appropriate.